

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 12**

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**NOVA SOUTHEASTERN UNIVERSITY**

**and**

**Case Nos. 12-CA-25114  
12-CA-25290  
12-CA-25298**

**SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 32BJ**  
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**CHARGING PARTY'S CROSS EXCEPTIONS  
TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.46(e) of the Board's Rules and Regulations, Charging Party Service Employees International Union, Local 32BJ ("Local 32BJ" or "Union"), files these Cross Exceptions to the March 16, 2009 Decision and Order of the Administrative Law Judge John H. West ("ALJD") in this case:

1. The ALJ erred in declining to order Nova Southeastern University ("Nova" or "Respondent") to electronically post on its website the notice set forth in the Appendix to the ALJD in the same manner Nova posted its Nova Southeastern University Campus Safety and Traffic Handbook ("Handbook").

Nova admitted, and the ALJ found, that Respondent's Handbook, which states that "[n]o solicitation is allowed on an NSU campus or facility without the permission of the NSU Executive Administration," is posted on Nova's website. ALJD 2:41-42; 3:34-46. The ALJ correctly concluded that the no-solicitation rule is unlawfully overbroad in violation of Section 8(a)(1) because it restricts its employees, and the employees of its

subcontractors, from union solicitation and distribution on campus among co-workers during non-work time and in non-work areas, and ordered its rescission. ALJD 19:5-46; 20:1-26; 45:44-46.

The Board has historically required an employer to notify employees of the rescission of an unlawful work rule to the same extent and manner that the unlawful rule was originally publicized. *Ark Las Vegas Restaurant Corp.*, 343 NLRB 1281, 1284 (2004); *Marriot Corp.*, 313 NLRB 896 (1994). Since Nova maintained its unlawful policy on its website, it should be required to notify employees that the policy has been rescinded by posting the notice on its website. *See Public Serv. Co. of Oklahoma*, 334 NLRB 487, 490, 503-04 (2001) (employer required to send notice electronically to employees since its unlawful anti-union solicitation to employees was sent electronically).

2. Local 32BJ adopts General Counsel's Cross-Exceptions, which are incorporated herein by reference.

Dated: New York, New York  
May 29, 2009

Respectfully submitted,

Office of the General Counsel,  
SEIU, Local 32BJ



By: Katchen Locke  
Associate General Counsel  
SEIU, Local 32BJ  
101 Avenue of the Americas  
New York, New York 10013  
Telephone No.: (212) 539-2941  
Facsimile No.: (212) 388-2062

Attorney for Charging Party,  
SEIU, Local 32BJ